

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JUSTIN DIXON,</b>	:	<b>MISCELLANEOUS ACTION</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>NO. 05-00149</b>
	:	
<b>DEPARTMENT OF CORRECTIONS</b>	:	
<b>OF PENNSYLVANIA,</b>	:	
<b>Defendant</b>	:	

**MEMORANDUM**

**STENGEL, J.**

**August 22, 2005**

Justin Dixon is currently incarcerated at the State Correctional Institution at Waymart, Pennsylvania. Mr. Dixon sought an Order from the Commonwealth Court of Pennsylvania directing the Pennsylvania Department of Corrections to “cease and desist all illegal deductions currently garnished from his total accumulated account to satisfy monies owed for court cost, fines, and restitution until a hearing is conducted to determine his ability to make such payment, or that such payments be garnished exclusively from his institutional wages.” He also sought the court “to return all illegally obtained funds to him.” On March 18, 2005, the Commonwealth Court of Pennsylvania dismissed this request due to Mr. Dixon’s failure to comply with an earlier court Order. The Supreme Court of Pennsylvania dismissed as untimely his appeal of the Commonwealth Court’s decision. On August 8, 2005, Mr. Dixon filed a notice of appeal in this court from the decision of the Supreme Court of Pennsylvania. For the following reasons, I will dismiss the appeal for lack of subject matter jurisdiction.

**DISCUSSION**

Federal courts have an ever-present obligation to satisfy themselves of their subject matter jurisdiction and to decide the issue *sua sponte* See Liberty Mutual Ins. Co. v. Ward

Trucking Corp., 48 F.3d 742, 750 (3d Cir. 1995). Rule 12(h)(3) of the Federal Rules of Civil Procedure requires that federal courts dismiss an action “whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction over the subject matter.” The law grants subject matter jurisdiction to the federal district courts over all civil actions arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. Jurisdiction of federal district courts is strictly original, not appellate. Exxon Mobil Corp. v. Saudi Basic Industries Corp., \_\_\_ U.S. \_\_\_, 125 S.Ct. 1517, 1521 (2005)(citing Rooker v. Fidelity Trust Co., 263 U.S. 413, 416 (1923)). Congress has empowered only the Supreme Court of the United States to exercise appellate authority to reverse or modify a state-court judgment. Id. A filing in the district court which is in essence an appeal of a final state court decision must be dismissed for lack of subject matter jurisdiction. District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 483 (1983) (District courts lack subject matter jurisdiction to review state court final adjudications). Recently, the Supreme Court reiterated the narrow ground occupied by Rooker and Feldman:

The Rooker-Feldman doctrine, we hold today, is confined to cases of the kind from which the doctrine acquired its name: cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.

Exxon Mobil Corp. v. Saudi Basic Industries Corp., 125 S.Ct. at 1521-1522.

As discussed above, Mr. Dixon’s claims are based solely on state law and involve administrative policies of the Pennsylvania Department of Corrections. He seeks an appeal “from the Supreme Court of Pennsylvania, Middle District, from an Order of the Commonwealth Court entered in the above-captioned matter, entered in this action on July 12, 2005.” This case

fits squarely into the kind of cases contemplated in the Supreme Court's discussion of the Rooker-Feldman doctrine. Because this court lacks subject matter jurisdiction, I will dismiss this action with prejudice. An appropriate Order follows.

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<b>OF PENNSYLVANIA,</b>	:	
<b>Defendant</b>	:	

**ORDER**

**STENGEL, J.**

**AND NOW**, this 22<sup>nd</sup> day of August, 2005, upon consideration of Mr. Dixon's notice of appeal (Document #1), it is hereby ORDERED that the case is DISMISSED with prejudice for lack of subject matter jurisdiction. The Clerk of Court shall mark this case closed for all purposes.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.